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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROSARIO MARINELLO,

Plaintiff

vs

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION,

Defendant.

Case No. CV08-0664 JW

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF REPLY TO
PLAINTIFF'S OPPOSITION TO
DEFENDANT DEPARTMENT OF
CORRECTIONS AND
REHABILITATION'S MOTION TO
DISMISS THE COMPLAINT
[Fed.R.Civ.Proc Rule 12(b)(6)]**

Date: June 23, 2008

Time: 9:00 a.m.

Ctrm: 8

Judge: Hon. James Ware

Pursuant to Federal Rules of Evidence 201, Defendant requests that judicial notice be taken of the following:

A. Order Dismissing Complaint, Case No. C07-1117 BZ, dated December 20, 2007, signed by Magistrate Judge Bernard Zimmerman. Attached as Exhibit 1 to the accompanying Declaration of David Pai.

Judicial notice may be taken of documents filed and orders or decisions entered in any federal or state court. *Holder v. Holder* (9th Cir. 2002) 305 F.3d 854, 866; *see also Disabled Rights Action Committee v. Las Vegas Events, Inc* (9th Cir. 2002) 375 F.3d 861, 866 (judicial notice taken of public records).

Dated: June 9, 2008

Respectfully submitted,

EDMUND G. BROWN JR.
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/s/
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